

REMARKS

This application has been carefully reviewed in light of the Office Action dated May 20, 2004. Claims 1 to 28 and 30 to 42 are in the application. Claims 21 and 26 have been amended and new Claims 39 to 42 have been added. Claims 1, 11, 21, 26, 31, 35 and 39 are the independent claims. Reconsideration and further examination are respectfully requested.

Claims 1 to 18 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over U.S. Patent No. 6,285,666, but would otherwise be allowable; Claims 29 and 30 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form; and Claims 31 to 34 and 35 to 38 were allowed. Applicant thanks the Examiner for the indication of allowable subject matter.

Claims 21 to 26 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement; Claims 26 to 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,978,412 (Takai) in view of U.S. Patent No. 5,590,160 (Ostman). Reconsideration and withdrawal of these rejections are respectfully requested.

With regard to Claims 1 to 18, Applicant submits herewith a duly executed Terminal Disclaimer under 37 C.F.R. § 1.321 that addresses the foregoing double patenting rejection. Applicant submits that Claims 1 to 18 are now in condition for allowance and respectfully requests same.

Amended Claims 21 and 26 have been amended to emphasize that the information that is transmitted between the two successive groups or sets of data is used by the receiving end for receiving the later one of the two successive groups or sets of data. Transmission and use of the information in this way is supported in the specification by FIG. 7 and its written description at Page 11, Line 20 to Page 12, Line 22, and by FIG. 9 and its written description at Page 13,

Line 23 to Page 14, Line 20. Applicant submits that Claim 21 is now in condition for allowance and respectfully requests same.

Claim 26 has been further amended in accordance with the Examiner's indication of allowable subject matter for Claim 29. Therefore, Applicant submits that Claim 26 is now in condition for allowance and respectfully requests same.

The foregoing actions have been taken without prejudice or disclaimer of subject matter and without conceding the correctness of any rejection, but rather merely to secure an earlier allowance.

New independent Claim 39 is directed to a spread spectrum communication apparatus. The apparatus comprises: data transmission means for transmitting a plurality of sets of data on a spread spectrum signal; information transmission means for transmitting, between each two successive sets of data, information to be used by a receiving end for receiving the later one of the two successive sets of data, such that the spread spectrum signal is continuously transmitted, wherein said information transmission means transmits first information prior to the sets of data, wherein a transmission period of the first information is longer than that of the information between each two successive sets of data.

Applicant submits that new independent Claim 39 includes all of the features of Claim 30 and is in accordance with the Examiner's indication of allowable subject matter for Claim 30. Therefore, Applicant submits that Claim 39 is in condition for allowance and respectfully requests same.

The other pending claims in this application are each dependent from the independent claims discussed above and are therefore believed to be patentable for at least the same reasons. Because each dependent claim is also deemed to define an additional aspect of the

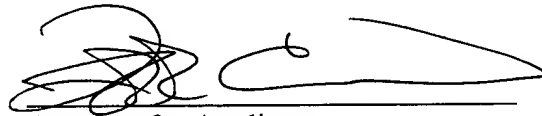
invention, however, individual consideration of each dependent claim on its own merits is respectfully requested.

Also submitted herewith is a check for \$110.00 to cover the fee for the Terminal Disclaimer under 37 C.F.R. § 1.20(d). Any deficiency in or overpayment of this fee should be charged or credited to Deposit Account 06-1205.

In view of the foregoing amendments and remarks, and no other matters being raised in the Office Action, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicant's undersigned attorney may be reached in our Costa Mesa, CA office at (714) 540-8700. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Frank L. Cire', written over a horizontal line.

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